

### CLAIM AMENDMENTS

Claims 1-244 (cancelled)

245. (currently amended) A nucleic acid construct which comprises a nucleic acid sequence which encodes a non-eukaryotic polymerase, said sequence encoding said non-eukaryotic polymerase further comprises an intron, and contains a non-native intron, wherein said polymerase is expressed solely in a eukaryotic cell and said polymerase is capable of producing more than one copy of a nucleic acid sequence from said construct when introduced into a eukaryotic cell.

246. (previously amended) The construct of claim 245, further comprising a recognition site for said polymerase.

247. (previously amended) The construct of claim 246, wherein said recognition site is complementary to a primer for said polymerase.

248. (previously added) The construct of claim 247, wherein said primer comprises transfer RNA (tRNA).

249. (previously amended) The construct of claim 245, wherein said non-eukaryotic polymerase is selected from the group consisting of RNA polymerase, DNA polymerase, reverse transcriptase, and a combination thereof.

250. (previously amended) The construct of claim 249, wherein said RNA polymerase is a bacteriophage RNA polymerase.

251. (previously added) The construct of claim 250, wherein said bacteriophage RNA polymerase is selected from the group consisting of T3, T7 and SP6, and a combination thereof.

252. (previously added) The construct of claim 246, wherein said recognition site is a promoter for said RNA polymerase.

253. (previously added) The construct of claim 245, wherein said nucleic acid produced from said construct is selected from the group consisting of DNA, RNA, a DNA-RNA hybrid and a DNA-RNA chimera, or a combination of the foregoing.

254. (previously added) The construct of claim 253, wherein said DNA or RNA comprises sense or antisense, or both.

255. (currently amended) A nucleic acid construct which when introduced into a non-eukaryotic cell produces a ~~nucleic acid~~non-eukaryotic gene product comprising a ~~non-native~~eukaryotic intron, which when in a eukaryotic cell, said intron is substantially removed during processing and wherein said ~~nucleic acid~~gene product or protein expressed from a ~~nucleic acid~~gene product would be toxic specifically to a non-eukaryotic cell in the absence of said non-native intron.

Claims 256 and 257 are cancelled.

258. (currently amended) The construct of claim 255, wherein said ~~nucleic acid~~gene product is single stranded.

Claims 259-260 (cancelled)

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261. (currently amended) A nucleic acid construct which when introduced into a non-eukaryotic cell produces a ~~nucleic acid~~gene product comprising a ~~an non-native~~ intron, wherein said product would be specifically toxic to a non-eukaryotic cell in the absence of said ~~non-native~~ intron and wherein said intron is ~~substantially removed~~ during processing and said intron is in a coding sequence of said ~~nucleic acid~~gene product.